

Amendment No. 1 to HB1383

Eldridge
Signature of Sponsor

AMEND Senate Bill No. 1185*

House Bill No. 1383

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 36, Part 8, is amended by adding the following as a new section:

(a) As used in this section, "law enforcement officer" means a member of the Tennessee highway patrol, or a police officer, sheriff, or sheriff's deputy employed full time by a municipality or political subdivision of this state, or a police officer, agent, or investigator previously employed full time by the state, whose primary responsibility is the prevention and detection of crime and apprehension of offenders.

(b) Notwithstanding any law to the contrary, a law enforcement officer retired for at least nine (9) months from the Tennessee consolidated retirement system, from a superseded system administered by the state, or from a local retirement fund pursuant to chapter 35, part 3 of this title may accept employment as a law enforcement officer without loss or suspension of retirement benefits under the following conditions:

(1) The retired member has successfully completed annual training required by title 38, chapter 8, part 1, and as required by the Tennessee peace officer standards and training commission;

(2) The employing law enforcement agency and retired member notify the retirement division upon hiring the retired member and submit such information on proper documents as required by the retirement division;

(3) The employing law enforcement agency certifies in writing to the retirement division that the retired member has the requisite experience and training for the position to be filled;

(4) The retired member is not eligible to accrue additional retirement benefits as a result of such employment;

(5) The retired member must not receive automatic credit for years of experience in determining compensation; provided, that the salary paid to such retired member for serving as a law enforcement officer must not be less than the rate of compensation set by the employing law enforcement agency for law enforcement officers with no experience filling similar positions, nor may such salary exceed eighty-five percent (85%) of the rate of compensation set by the employing law enforcement agency for law enforcement officers with comparable training and years of experience filling similar positions. Once such compensation is set, the retired member is not entitled to police pay supplements authorized under § 38-8-111; and

(6) The retired member's appointment to serve as a law enforcement officer cannot exceed one (1) year. The retired member may be reappointed to additional one-year periods; provided, that the conditions contained in this section are met for each such reappointment, including the certifications required in subdivision (b)(3).

(c) Payments must be made by appropriation of funds by the retired member's employing law enforcement agency, in the case of a municipality or political subdivision, for the purpose of:

(1) Making a payment equal to the amount the employer would have contributed had the retired member been a member of the retirement system for the position during the period of employment; or

(2) Paying an additional amount as determined by the board of trustees of the Tennessee consolidated retirement system required to fund the liability created by this section; provided, that such amount is not less than five percent (5%) of the retired member's pay rate.

(d) This section does not prohibit any retired member or prior class member of the Tennessee consolidated retirement system, or a retiree of a local retirement fund receiving benefits in accordance with chapter 35, part 3 of this title from returning to service temporarily in a position covered by the Tennessee consolidated retirement system pursuant to § 8-36-805.

(e) This section is repealed on July 1, 2023.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.